REMARKS

The Office Action of May 14, 2003 was received and carefully reviewed. As a result, reconsideration and withdrawal of the currently pending rejections is requested for the reasons advanced in detail below.

Claims 12-21 remain pending.

With regard to the Examiner's requirement for restriction of December 20 2002, the Applicants respectfully traverse the holding that the claims of Groups I, II and III constitute separate and distinct inventions. As pointed out in the Applicants' Amendment of September 30, 2002, the

> -first set of claims 12-14 (similar to original claims 1, 2 and 5) are drawn to a **medicament composition** comprising the naphthoquinone derivative of Formula 1; while
>
> -the second set of claims 15-17 (again similar to original claims 1, 2 and 5) are drawn to a **method of making a medicatment composition** of the naphthoquinone derivative of Formula 1 for use in treating and/or controlling tuberculosis in a patient caused by *Mycobacterium tuberculosis* and a
>
> -third set of claims 18-21 drawn to a **method of treating and/or controlling, employing the medicament composition** comprising the naphthoquinone derivative of Formula 1, tuberculosis caused by *Mycobacterium tuberculosis*.

Further, the instant application was filed under 35 U.S.C. 371 as a national stage of International Application PCT/IB00/00837, and with regard to restriction under 35 U.S.C> 121, the claims of this application are governed by the "unity of invention" principles, under PCT Articles 3(4)(iii) and 17(3)(a), PCT Rule 13.1, and **37 C.F.R. 1.475**. In particular, § 1.475(b) states:

> ...(b) An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:
>
> (1) A product and a process specially adapted for the manufacture of said product; or

(2) A product and process of use of said product; or

(3) A product, a process specially adapted for the manufacture of the said product, and a use of the said product; or

(4) A process and an apparatus or means specifically designed for carrying out the said process; or

(5) A product, a process specially adapted for the manufacture of the said product, and an apparatus or means specifically designed for carrying out the said process.

(c) If an application contains claims to more or less than one of the combinations of categories of invention set forth in paragraph (b) of this section, unity of invention might not be present. (emphasis added)

Since the Examiner has not set forth any reason for finding the a lack of unity of invention exists in regard to the present claimed 12-21 and since the claims of Groups I (medicament composition), Group II (method of making the medicament composition) and Group III (method of use of the medicament composition) are related under the grouping specified in § 1.475(b)(3), the Applicants assert that claims 12-17 have unity of invention with claims 18-21, and must be examined along with claims 18-21.

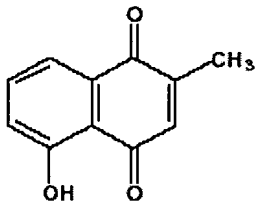
For the above reasons, examination of claims 12-21 is respectfully requested.

In addition to the above argument, the Applicants note that the claims of Group II are proper linking claims, pursuant to MPEP 809.03 @ (B), to the claims of Groups I and III, and, as such, the Applicants respectfully request that the claim 12-17 be maintained in the application file, pursuant to MPEP 809.04. Further, if the elected claims 18-21 are found to be allowable then the Examiner must, again pursuant to MPEP 809.04, examine the non-elected claims 12-17 of Groups I and II.

Finally, if the Examiner is to maintain the instant requirement for restriction, it is requested that the Examiner specifically outline the reasons why the holding that the restriction is proper under the "unity of invention" requirements of **PCT Articles 3(4)(iii)** and **17(3)(a)**, **PCT Rules 13.1** and **13.2**, and **37 C.F.R. 1.475(b)**.

With regard to Examiner's rejection of claims 18-21, under 35 U.S.C. 102(b) as being anticipated by the Vichkanova et al article entitled "Search For Antimicrobial Drugs Among Quinines Of Plant Origin," the Applicants respectfully traversed this rejection. The Applicants would note that the presentation of claims 12, 15 and 18 in

the Amendment of September 30, 2002 as well as the instant amendment to claims 14, 17 and 20 reciting "7-methyljuglone" clearly eliminates from the scope of claims 12-21 any plumbagin compounds, such as those recited in the Vichkanova et al. That is, plumbagin is a well known naphthoquinone of the structure:

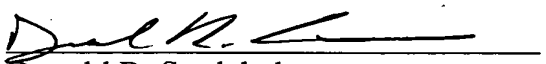


that is not within the scope of the presently amended claims as neither R2 nor R3 in the compound of the claims is a methyl group, as is the case with plumbagin.

Consequently, the rejection of claims 18-21, under 35 U.S.C. 102(b), as being anticipated by the teachings of the Vichknanova et al article is improper and must be withdrawn.

In view of the foregoing, the present application should now be in condition for allowance and a notice to that effect is respectfully requested. However, if the Examiner finds any issue to remain unresolved after considering this response, or should any new issue arise, she/he is invited to call the undersigned to expedite the prosecution by working out any such issue by telephone.

Respectfully submitted,



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